REMARKS

Claims 1-20 are pending in this application. The amendments to the claims are supported in the specification as follows: Claims 1, 7 and 14 (specification p.75-77) and the remaining amendments are formalities amendments.

As for the objection to the specification on p. 2 of the Office Action, the Applicant has deleted the current Abstract, and submit herewith a substitute Abstract of the Disclosure. It is believed that the objection is addressed and overcome.

As for the objections to the claims on p.5 of the Office Action, the claims have been amended as suggested by the Examiner.

The Applicant respectfully submits that no new matter has been added.

Claims 2, 4, 7, 13-16 and 18 are rejected under 35 USC 112, second paragraph, as being indefinite. (Office Action p.2)

Claims 2, 4, 16 and 18 have been amended to recite Markush language.

Claim 7 is rejected for reciting "50% or more." This expression refers a metric value, time, cost and quality.

As explained in Table 1 of the application:

> Metrics: The application of statistics and mathematical analysis to a specified field of study. Metrics allow measurement of external goals. Metrics are most commonly defined as time, cost and quality. Determination of valuable metrics is a critical step towards understanding the progress of an organization. Tracking metrics leads to greater process understanding.

Therefore it is apparent that the expression refers to affecting the value of a metric by 50% or more.

Claim 13 was amended according to the Examiner's suggestion.

Claims 13 and 14 were rejected for the expression of infinity. It is asserted that using the mathematical expression $N = 1$ to ∞ is not indefinite.

Claim 15 amended to correct claim dependency as suggested by the Examiner.

Claims 1-12, 14 and 16-20 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter. (Office Action p.4)

The claims have been amended by adding the step of "providing a computer for coordinating the method steps;" to address and overcome the rejection.

Claims 1-20 are rejected under 35 USC 102(b) as being anticipated by Chapman et al. (USP 5,255,181). (Office Action p.6)

As will be described below the invention as now claimed and Chapman are fundamentally different. The Examiner is respectfully requested to reconsider the rejection in light of the following comments:

The claimed invention describes a process by which an organization can focus management assets on processes with the greatest potential return. This strategic focus on high

value activities and processes is used to determine which is of more value to closely manage-

primarily either selecting and scheduling of higher priority activities (Schedule Driver), or,

resource assignment to a standard set of activities (Operational Driver).

Chapman focuses on "resource-to-lot allocations which optimize organizational

efficiency" (col. 3, lines 32-33). This focus on resources minimizes the priorities of activities or

equivalently titled "lots" (col. 4, lines 3-19) and focuses around resource assignment as evident

in the following explanation, "Another advantage is that the present invention provides a method

of virtually allocating resources to lots using a "soft" prioritization scheme which, in certain

circumstances, permits resources in contention to be allocated to lower priority lots before being

allocated to higher priority lots" (col. 3, lines 34-40). The resource allocation method in

Chapman considers start and end time requirements of an activity or "lot" as the highest attribute

or driver when scheduling the work with available resources. Secondary attributes would be the

activity or lot's general "priority". The priority of the activity or lot is not discussed further in

Chapman. Therefore, the focus is solely on ensuring maximum resource utilization without

concern to other activity or lot drivers' priorities.

The claimed invention's framework provides 5 process flows.

[101] The first type of organization or process flow is the Research Process Flow (RPF). RPF represents independent activities which start and end exclusively of each other and do not trigger the starting of other activities. An example of this process flow is a market research firm which conducts research on several unrelated projects.

[0102] The second type of process flow is the Research and Development Process Flow (R&DPF). R&DPF configures independent related groups of activities which start and end

exclusively of other groups of activities, or loosely related to other groups of activities. Each group is comprised of activities related to each other by the finishing of one activity triggering the beginning of the next activity(s) within the group. An example of this process flow is a research and development laboratory of a drug company.

[0103] The third type of process flow is the Development Process Flow (DPF). DPF configures groups of activities which start and end in relation to one another. The exact beginning or ending of a group of activities is frequently not know. Rather, there is a loose causality relationship that triggers the beginning and/or ending of related groups. All groups of activities are related by the purpose to perform work on a common entity. Optional triggering of potential activities may depend on other objects in the system, such as resources. Therefore the process flow may have groups of activities triggered by constraints of resource availability. An example of this process flow is the development department of a product company like Procter and Gamble or development within the defense industry.

[0104] The fourth type of process flow is the Project Process Flow (PPF). PPF configures individual groups of activities not related to other groups of activities within the system. Each group is comprised of activities which are related to each other because the finishing of one activity triggers the beginning of one or more activities within the group. An example is a law firm or consulting office working on several different legal or business problems for several different clients.

[0105] The fifth type of process flow is the Operations and Maintenance Process Flow (O&MPF). O&MPF is an array of sequentially occurring activities with the completion of each activity triggering one or more activities. An example of this process flow is a manufacturing line for the manufacturing of an article in a factory.

(Published Application paragraphs [0101] – [0105])

Chapman is related only to the fifth process flow type, the Operations and Maintenance Process Flow that focuses on an array of sequentially occurring activities with the completion of each activity triggering one or more activities. Chapman describes one way in which to allocate resources to activities where the flow of activities is well understood, well defined, and highly repeatable.

The claimed invention, however, is not about how to specifically to assign resources in the fifth type of process flow, it is about determining the focus of the organization around either activities (schedule driver) or resource assignments (operational driver) depending on the process flow that most closely reflects the organization. After determining the appropriate focus, scheduling or operational, the organization can measure, prioritize, and control the drivers, or attributes, most greatly affecting the process flow (see claims 1, 7, 13 and 14). The focus of the claimed invention is specifically the prioritization of drivers, either schedule or operational drivers, to ensure appropriate focus within a process. The claimed invention assumes high numbers of potential driver attributes, and, focuses on both schedule and operational driver attributes.

Again in contrast, Chapman focuses solely on assigning resources within the fifth type of process flow given one type of driver attribute, activity times – start and end times. Chapman is one of many generally accepted ways to assign resources and could be utilized by an organization as a way to determine resource assignments if the had highly repeatable processes with very low focus on scheduling drivers, and, few to no other operational drivers accept to maximize resource utilization.

No where in Chapman is the claimed invention disclosed or even suggested. Because of this there can be no possible conclusion of anticipation.

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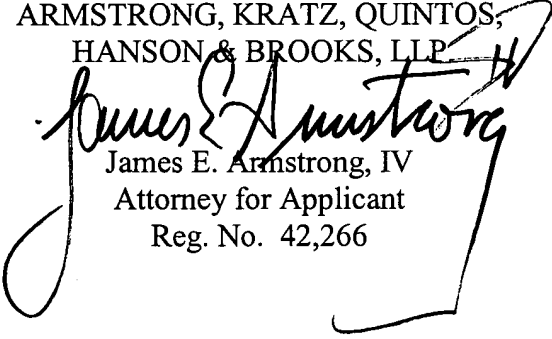Reply to OA dated February 8, 2005

In view of the aforementioned amendments and accompanying remarks, the claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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